

BAY COUNTY ELECTION COMMISSION

SEPTEMBER 6, 2002

THE BAY COUNTY ELECTION COMMISSION MET FOR A CLARITY HEARING ON FRIDAY, SEPTEMBER 6, 2002, IN THE CONFERENCE ROOM ON THE FOURTH FLOOR OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN KAREN A. TIGHE AT 3:00 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COUNTY TREASURER JEANETTE E. NEITZEL
COUNTY CLERK LINDA L. TOBER
PROBATE COURT JUDGE KAREN A. TIGHE, CHAIRMAN

ALSO PRESENT: LORAINA A. URBANCIK, SECRETARY TO THE COUNTY CLERK
PETITIONERS
ELECTED OFFICIALS
VARIOUS OTHER OFFICIALS
NEWS MEDIA
OTHER INTERESTED PARTIES

CHAIRMAN TIGHE NOTED THAT THE ELECTION COMMISSION WAS MEETING PURSUANT TO MCLA 168.952, WHICH GOVERNS ELECTIONS IN THE STATE OF MICHIGAN. SHE REVIEWED THE LAW, GIVING DETAILS OF THE COMMISSION'S PURPOSE TODAY, WHICH IS TO DETERMINE THE CLARITY OF RECALL PETITION LANGUAGE SUBMITTED FOR THE RECALL OF SEVEN CITY OF BAY CITY COMMISSIONERS.

CHAIRMAN TIGHE READ THE LANGUAGE CONTAINED ON THE PETITIONS, NOTING THAT THE LANGUAGE IS IDENTICAL ON ALL SEVEN PETITIONS; ONLY THE NAME OF THE PARTICULAR COMMISSIONER IS DIFFERENT.

CHAIRMAN TIGHE ASKED WHETHER ANY OF THE CITY COMMISSIONERS SUBJECT TO THE RECALLS WISHED TO SPEAK. COMM. KURZER READ A STATEMENT THAT HAD BEEN SIGNED BY ALL SEVEN COMMISSIONERS SUBJECT TO THE RECALL PETITIONS.

CHAIRMAN TIGHE ASKED WHETHER ANY OF THE PETITIONERS WISHED TO SPEAK. NO ONE CAME FORWARD.

CHAIRMAN TIGHE THEN ASKED FOR DISCUSSION FROM COMMISSION MEMBERS. COUNTY CLERK TOBER NOTED THAT SHE HAD RECEIVED NUMEROUS TELEPHONE CALLS INDICATING THAT PETITIONS WERE BEING CIRCULATED PRIOR TO THE CLARITY HEARING AND THAT PEOPLE WERE BEING ASKED NOT TO DATE THE PETITION BECAUSE THE DATE WOULD BE FILLED IN AFTER THE CLARITY HEARING. THIS IS A VIOLATION

OF ELECTION LAW. MS. TOBER WARNED THAT, SHOULD EVIDENCE OF THIS BE PRESENTED TO THE ELECTION COMMISSION, THE MATTER WILL BE TURNED OVER TO THE PROSECUTING ATTORNEY FOR PROSECUTION.

MS. TOBER ALSO NOTED THAT A CIRCULATOR OF A PETITION MUST BE A QUALIFIED REGISTERED ELECTOR OF THE WARD AND MUST RECEIVE ONLY PETITION SIGNATURES WITHIN THAT WARD.

CHAIRMAN TIGHE READ A STATEMENT FROM COMM. MICHAEL J. BUDA, 8TH WARD CITY COMMISSIONER, FINDING THE STATEMENTS IN THE PETITIONS FALSE AND MISLEADING, MAKING THEM UNCLEAR, WHICH WAS RECEIVED IN THE COUNTY CLERK'S OFFICE ON SEPTEMBER 4, 2002. COUNTY TREASURER NEITZEL MOVED TO RECEIVE COMM. BUDA'S LETTER. IT WAS SUPPORTED BY COUNTY CLERK TOBER AND PASSED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

COUNTY CLERK TOBER CALLED FOR A VOTE TO APPROVE THE PROPOSED LANGUAGE ON THE RECALL PETITION FOR 1ST WARD CITY COMMISSIONER CHRISTOPHER HENNESSY. THE LANGUAGE WAS APPROVED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

COUNTY CLERK TOBER CALLED FOR A VOTE TO APPROVE THE PROPOSED LANGUAGE ON THE RECALL PETITION FOR 2ND WARD CITY COMMISSIONER COLIN HINTZ. THE LANGUAGE WAS APPROVED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

ON THE PROPOSED LANGUAGE ON THE RECALL PETITION FOR 5TH WARD CITY COMMISSIONER M. J. GORNEY, THE LANGUAGE WAS APPROVED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

ON THE PROPOSED LANGUAGE ON THE RECALL PETITION FOR 6TH WARD CITY COMMISSIONER ROBERT J. KATT, THE LANGUAGE WAS APPROVED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

ON THE PROPOSED LANGUAGE ON THE RECALL PETITION FOR 7TH WARD CITY COMMISSIONER MARIE T. KURZER, THE LANGUAGE WAS APPROVED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

ON THE PROPOSED LANGUAGE ON THE RECALL PETITION FOR 8TH WARD CITY COMMISSIONER MICHAEL J. BUDA, THE LANGUAGE WAS APPROVED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

ON THE PROPOSED LANGUAGE ON THE RECALL PETITION FOR 9TH WARD CITY COMMISSIONER CHARLES M. BRUNNER, THE LANGUAGE WAS APPROVED BY ROLL CALL VOTE, 3 YEAS, 0 NAYS.

CHAIRMAN TIGHE ANNOUNCED THAT THE VOTE HAD BEEN CONCLUDED AND THAT THE LANGUAGE HAD BEEN FOUND CLEAR UNDER THE STATUTE.

CHAIRMAN TIGHE INDICATED TO ELECTED OFFICIALS SUBJECT TO THE RECALL THAT THE STATUTE INDICATES THAT, IF A PARTY WISHES TO APPEAL THE DECISION OF THE ELECTION COMMISSION, THE DETERMINATION MAY BE APPEALED BY ANY OFFICER WHOSE RECALL IS SOUGHT, OR BY THE SPONSORS OF THE PETITION, TO THE CIRCUIT COURT. THE APPEAL MUST BE FILED NOT MORE THAN TEN DAYS AFTER THE DETERMINATION OF THE ELECTION COMMISSION.

COUNTY CLERK TOBER NOTED THAT SHE HAD CALCULATED THE NUMBER OF SIGNATURES THAT WERE REQUIRED FROM EACH OF THE SEVEN DISTRICTS. THE NUMBERS WILL BE AVAILABLE IN THE COUNTY CLERK'S OFFICE.

FURTHER, MS. TOBER NOTED THAT THE RECALL LANGUAGE WAS SUBMITTED ON PLAIN 8½ x 11 PAPER. IT MUST BE TRANSFERRED TO A LEGAL RECALL PETITION, WHICH IS AVAILABLE IN THE COUNTY CLERK'S OFFICE. SHE SUGGESTED PETITIONERS TRANSFER THE LANGUAGE TO ONE PETITION AND THEN HAVE PETITIONS PRINTED AT A PRINT SHOP. SHE DID NOT RECOMMEND PREPARING EACH PETITION SEPARATELY BECAUSE, IF ONE WORD IS DIFFERENT FROM THE EXACT LANGUAGE APPROVED TODAY, THE WHOLE PETITION WILL BE DEEMED INVALID.

CHAIRMAN TIGHE ADJOURNED THE ELECTION COMMISSION MEETING AT 3:16 P.M.

RESPECTFULLY SUBMITTED,

LINDA L. TOBER
BAY COUNTY CLERK